IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10242 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT STATE LAND DEVELOPMENTCORPN LTD

Versus

DAHYABHAI KODARBHAI PATEL

Appearance:

MR HS MUNSHAW for Petitioners

MR YV Shah for Respondent No. 1

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 18/04/2000

ORAL JUDGEMENT

Learned advocate Mr. Muhsnaw has appeared for the petitioner. Learned advocate Mr. Shah has appeared for the respondent workman. In this petition, the petitioner has challenged the order passed by the labour

court in recovery application No. 81 of 1997 dated 17.9.1999 whereby the labour court has granted recovery of Rs. 57,759.00 with an amount of Rs. 1000/- towards costs. Said order was passed by the labour court in absence of the petitioner, ex parte as appears from paragraph 6 and 7 of the order at page 25 of the petition (internal page 6 of the order passed by the labour court). Said ex parte order has been challenged by the petitioner before this court by way of this petition. The petitioner is having an alternative equally efficacious remedy for redressal of its grievance against such ex parte order by moving appropriate application before the labour court under rule 26A of the Gujarat Industrial Disputes Rules, 1966 for setting aside such an ex parte order. Therefore, without observing anything on merits of the matter,this petition is disposed of only on the ground of availability of alternative remedy with a liberty to the petitioner to move the labour court under rule 26A of the said rules within three month from today and the labour court shall decide such an application within three months in accordance with law and on merits within three months from the date of receipt of such application. Subject to these observations, this petition is disposed of. Notice is discharged. There shall be no order as to costs.

18.4.2000. (H.K.Rathod,J.)

Vyas